

**AN ORDINANCE  
BY FINANCE/ EXECUTIVE**

**AN ORDINANCE TO RATIFY CONSULTING SERVICES RENDERED BY MACTEC ENGINEERING AND CONSULTING, INC. FOR FC-6005008009, BROWNFIELD IDENTIFICATION, ASSESSMENT, AND PRIORITIZATION, ON BEHALF OF THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT; TO AUTHORIZE A NEW CONTRACT WITH MACTEC ENGINEERING AND CONSULTING, INC FOR FC-6005008009; TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the U.S. Environmental Protection Agency awarded the City of Atlanta two brownfield grants for the identification and assessment of brownfield hazardous sites and brownfield petroleum sites; and

**WHEREAS**, under FC-6005008009, the Department of Procurement solicited proposals for consulting services for this project and through a prescribed evaluation process the Bureau of Planning recommended that the firm of MACTEC Engineering and Consulting, Inc. ("MACTEC") be awarded the contract; and

**WHEREAS**, pursuant to Resolution 06-R-0479, the city council authorized the mayor to enter into a contractual agreement with MACTEC in an amount not to exceed \$359,000.00 and for a term starting on February 13, 2006 and ending October 30, 2007; but

**WHEREAS**, the executed contract has a twenty-five month term, which began on May 30, 2006 and ended on June 30, 2008 with a one-time 90-day extension through September 30, 2008 being issued by the Chief Procurement Officer; and

**WHEREAS**, MACTEC has performed the contracted services satisfactorily and the City desires to expend the remaining balance from the U.S. EPA grant; and

**WHEREAS**, at the request of the City, the U.S. EPA extended the grant period through September 30, 2009 so that the City can spend the balance of the amount granted to it for brownfield project as originally contemplated under the grant; and

**WHEREAS**, it is necessary to ratify the term of the executed contract authorized pursuant to Resolution 06-R-0479, including the payments made to MACTEC during the terms of the actual contract; and

**WHEREAS**, the waiver of Article X of the City of Atlanta's Procurement and Real Estate Code is necessary to correct the term discrepancy between Resolution 06-R-0479 and the actual contract; to the extent that the actual contract was effective after the term authorized by Resolution 06-R-0479; and

WHEREAS, the Commissioner of the Department of Planning and Community Development and the Chief Procurement Officer have recommended this ordinance to cure the above described discrepancy as well as to authorize a new contract modification with MACTEC so that it may conclude the services so as to correspond to the grant period extension granted by the U.S. EPA.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:**

**SECTION 1.** That the City-Contract Agreement, including payments made pursuant thereto, for FC-6005008009 with MACTEC and containing a twenty-five month term beginning on May 30, 2006 and ending on June 30, 2008, and with a one-time 90 day extension through September 30, 2008 is hereby ratified.

**SECTION 2.** That the Mayor is authorized to execute a new City-Contract Agreement for FC-6005008009 with MACTEC in an amount not to exceed Twenty Thousand Eight Hundred Fifty Dollars and no cents (\$20,850.00) for a term beginning on October 1, 2008 and ending on September 30, 2009 so as to correspond to the grant period extension granted by the U.S. Environmental Protection Agency to the City.

**SECTION 3.** That Article X of the City of Atlanta's Procurement and Real Estate Code is hereby waived to the extent that Article X applies to the ratification and new contract for FC-6006008009.

**SECTION 4.** That the Chief Procurement Officer is directed to prepare an appropriate contractual agreement with MACTEC for execution by the Mayor.

**SECTION 5.** That all contracted work will be charged to and paid from:

<b>Fund:</b>	<b>2501</b>	<b>Fund:</b>	<b>2501</b>
Department:	250403	Department:	250403
Account:	5212001	Account:	5212001
Funding Source:	30390	Funding Source:	30390
Project Number:	25201763	Project Number:	25202621
Function Activity:	7410000	Function Activity:	7410000
<b>Task:</b>	<b>104</b>	<b>Task:</b>	<b>101</b>
<b>TOTAL</b>	<b>\$11,850.00</b>	<b>TOTAL</b>	<b>\$9,000.00</b>

**SECTION 6.** That the contract will not become binding on the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to MACTEC.

**SECTION 7.** That all ordinances in conflict with this ordinance are waived for this instance only.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** Finance/Executive

**Caption:**

AN ORDINANCE TO RATIFY CONSULTING SERVICES RENDERED BY MACTEC ENGINEERING AND CONSULTING, INC. FOR FC-6005008009, BROWNFIELD IDENTIFICATION, ASSESSMENT, AND PRIORITIZATION, ON BEHALF OF THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT; TO AUTHORIZE A NEW CONTRACT WITH MACTEC ENGINEERING AND CONSULTING, INC FOR FC-6005008009; TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

**Council Meeting Date:** November 17, 2008

**Requesting Dept.:** Department of Planning and Community Development

**FAC Confirmed by:** Cynthia Sellers

**B. To be completed by the department:**

1. Please provide a summary of the purpose of this legislation (Justification Statement).

*Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.*

The purpose of this legislation is to extend the MACTEC brownfield contract and increase the contract amount.

2. Please provide background information regarding this legislation.

*Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.*

The brownfields contract is part of the city's economic development program.

3. If Applicable/Known:

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc): N/A

(b) Source Selection:

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact:

*Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.*

7. Method of Cost Recovery:

*Examples:*

*a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*

*b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: garnett brown

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Garnett Brown

Contact Number: x6724

Originating Department: Planning and Community Development

Committee(s) of Purview: F/E

Chief of Staff Deadline: October 29, 2008

Anticipated Committee Meeting Date(s): November 12, 2008

Anticipated Full Council Date: November 17, 2008

Legislative Counsel's Signature: \_\_\_\_\_

Commissioner Signature: \_\_\_\_\_

Chief Procurement Officer Signature: \_\_\_\_\_

CAPTION

AN ORDINANCE TO RATIFY CONSULTING SERVICES RENDERED BY MACTEC ENGINEERING AND CONSULTING, INC. FOR FC-6005008009, BROWNFIELD IDENTIFICATION, ASSESSMENT, AND PRIORITIZATION, ON BEHALF OF THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT; TO AUTHORIZE A NEW CONTRACT WITH MACTEC ENGINEERING AND CONSULTING, INC FOR FC-6005008009; TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any):

Mayor's Staff Only

Received by CPO: \_\_\_\_\_

(date)

Received by LC from CPO: \_\_\_\_\_

(date)

Received by Mayor's Office: \_\_\_\_\_

(date)

10.28.08

Reviewed by: \_\_\_\_\_

(date)

Submitted to Council: \_\_\_\_\_

(date)